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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,057	10/12/2001	Dean R. Duffy	56631US002	1817

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER

GREENE, JASON M

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/977,057

Applicant(s)

DUFFY, DEAN R.

Examiner

Jason M. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 22 is/are rejected.
- 7) ☒ Claim(s) 4-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "the side wall" in line 20. There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests changing the limitation "the side wall" to the limitation "the wall portion".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Spearman.

With regard to claim 1, Spearman discloses a filter product comprising filtration media (58) and a frame assembly (21) provided along at least a portion of the filtration media, the filter product having an input face and a output face of the filtration media for permitting carrier fluid to pass therethrough while removing a filtrate component, the frame assembly comprising a support frame (23) having a length and extending along at least the portion of the filtration media, the support frame comprising two media engagement elements (44) arranged in supporting contact with and proximal to an edge of the filtration media on a first side of the filtration media, and a hold down frame (22) having a length and extending along at least the portion of the filtration media, the hold down frame comprising two media engagement elements (37) arranged in supporting contact with and proximal to at least a portion of the edge of the filtration media on a second side of the filtration media, wherein the support frame and the hold down frame are interactively assembled together to provide the frame assembly proximal to at least a portion of the edge portion of the filtration media with the media engagement elements of the support frame interacting with the media engagement elements of the hold down frame to support the filtration media in between by contacting the filtration media at its first and second sides, and the support frame further including a wall portion (39) spaced from its media engagement elements so as to define a channel (75) positioned

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to run along the portion of the edge of the filtration media in Figs. 1-5 and col. 3, line 4 to col. 5, line 35.

With regard to claims 2 and 3, Spearman discloses the filtration media being positioned within a compression zone between the media engagement elements (44,37) of the support frame and the hold down frame and further extending beyond the compression zone toward the wall portion that is spaced from the media engagement elements, wherein the filtration media extends toward the wall portion by a distance at least equal to twice the thickness of the filtration media in Figs. 1-5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spearman in view of Duffy '892.

Spearman discloses a filter product comprising filtration media (58) and a frame assembly (21) provided along at least a portion of the filtration media, the filter product having an input face and a output face of the filtration media for permitting carrier fluid to

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pass therethrough while removing a filtrate component, the frame assembly comprising a support frame (23) having a length and extending along at least the portion of the filtration media, the support frame comprising two media engagement elements (44) arranged in supporting contact with and proximal to an edge of the filtration media on a first side of the filtration media, and a hold down frame (22) having a length and extending along at least the portion of the filtration media, the hold down frame comprising two media engagement elements (37) arranged in supporting contact with and proximal to at least a portion of the edge of the filtration media on a second side of the filtration media, wherein the support frame and the hold down frame are interactively assembled together to provide the frame assembly proximal to at least a portion of the edge portion of the filtration media with the media engagement elements of the support frame interacting with the media engagement elements of the hold down frame to support the filtration media in between by contacting the filtration media at its first and second sides, and the support frame further including a wall portion (39) spaced from its media engagement element (44) in Figs. 1-5 and col. 3, line 4 to col. 5, line 35.

Spearman does not disclose the media engagement element of the support frame being angled away from the wall portion.

Duffy '892 discloses a similar filter product wherein the frame assembly includes a support frame (11) having a media engagement element (16) and a wall portion (15) spaced from the media engagement element, wherein the media engagement element is angled away from the wall portion in Figs. 1-4 and col. 3, line 7 to col. 4, line 47.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the angled media engagement element of Duffy '892 into the filter product of Spearman to facilitate insertion of the terminal filter pleat of Spearman into the pleat retaining gap formed by the wall portion and media engagement element of Spearman, as suggested by Duffy '892 in col. 3, lines 14-18.

Allowable Subject Matter

7. Claim 21 is allowed.
8. Claims 4-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 4-20, the prior art made of record does not teach or fairly suggest the filter product of claim 2 wherein the support frame and the hold down frame each comprise at least one side frame component and an end frame component with each side frame component comprising the plurality of media engagement elements arranged in series along the side frame component.

Walker discloses a filter product comprising filtration media (11) and a frame assembly (6,7) provided along at least a portion of the filtration media, the filter product having an input face and a output face of the filtration media for permitting carrier fluid to pass therethrough while removing a filtrate component, the frame assembly comprising a support frame (6) having a length and extending along at least the portion of the filtration media, the support frame comprising a plurality of media engagement elements (9) arranged in supporting contact with and proximal to an edge of the filtration media on a first side of the filtration media, and a hold down frame (7) having a length and extending along at least the portion of the filtration media, the hold down frame comprising a plurality of media engagement elements (10) arranged in supporting contact with and proximal to at least a portion of the edge of the filtration media on a second side of the filtration media, wherein the support frame and the hold down frame are interactively assembled together to provide the frame assembly proximal to at least a portion of the edge portion of the filtration media with the media engagement elements of the support frame interacting with the media engagement elements of the hold down frame to support the filtration media in between by contacting the filtration media at its first and second sides, wherein the support frame (6) and hold down frame (7) each comprise at least one side frame component and an end frame component with each side frame component comprising the plurality of media engagement elements (9,10) arranged in series along the side frame component in Figs. 1 and 2 and page 1, col. 2, line 47 to page 2, col. 1, line 43.

Walker does not disclose the support frame further including a wall portion spaced from its media engagement elements so as to define a channel positioned to run along the portion of the edge of the filtration media.

Duffy '892 discloses a filter product having a frame assembly comprising a support frame (11) having a media engagement element (20) and a wall portion (12) spaced from the media engagement element so as to define a channel positioned to run along the portion of the edge of the filtration media in Figs. 1-4 and col. 3, line 7 to col. 4, line 47. However, Duffy '892 is directed to a filter product wherein the frame assembly consists only of a support frame, wherein the filter element is retained within the support frame by a frictional engagement without the assistance of a hold down frame. Therefore, there is no motivation in the prior art made of record or in the knowledge generally available to one of ordinary skill in the art to incorporate the spaced media engagement element and channel of Duffy '892 into the filter product of Walker.

With regard to claim 21, Spearman discloses a filter product comprising filtration media (58) and a frame assembly (21) provided along at least a portion of the filtration media, the filter product having an input face and an output face of the filtration media for permitting carrier fluid to pass therethrough while removing a filtrate component, the frame assembly comprising a support frame (23) having a length and extending along at least the portion of the filtration media, the support frame comprising a wall portion (39) and two media engagement elements (44) spaced from the wall portion and arranged in supporting contact with and proximal to an edge of the filtration media on a first side of

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the filtration media, and a hold down frame (22) having a length and extending along at least the portion of the filtration media, the hold down frame comprising two media engagement elements (37) arranged in supporting contact with and proximal to at least a portion of the edge of the filtration media on a second side of the filtration media, wherein the support frame and the hold down frame are interactively assembled together to provide the frame assembly proximal to at least a portion of the edge portion of the filtration media with the media engagement elements of the support frame interacting with the media engagement elements of the hold down frame to support the filtration media in between by contacting the filtration media at its first and second sides in Figs. 1-5 and col. 3, line 4 to col. 5, line 35.

The prior art made of record does not teach or fairly suggest the hold down frame comprising a wall portion spaced from the media engagement element, wherein the wall portion of one of the support frame and the hold down frame is positioned between the media engagement element and wall portion of the other.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Wachter et al., Nutting, Solberg, Jr., Van de Graaf et al., Lee, Gronholz, Aston, and Duffy '509 references disclose similar filter products.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (703) 308-6240. The examiner can normally be reached on Tuesday - Friday (7:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Simmons can be reached on (703) 308-1972. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jason M. Greene
Examiner
Art Unit 1724



jmg
March 20, 2003

DUANE SMITH
PRIMARY EXAMINER


3-21-03